

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No.: 1:12-CV-00477-JAB-JLW

WILLIAM S. YANCEY, individually and)
on behalf of others similarly situated,)
)
Plaintiff,)
)
v.)
)
REMINGTON ARMS COMPANY, LLC,)
and CASCADE CARTRIDGE, INC. a/k/a)
CCI AMMUNITION,)
)
Defendants.)

**MOTION TO
SUBSTITUTE PARTY**

Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, Defendant Federal Cartridge Company, successor to Ammunition Accessories, Inc., incorrectly named and identified as Cascade Cartridge, Inc. a/k/a CCI Ammunition moves the Court to substitute Federal Cartridge Company for Ammunition Accessories Inc., Cascade Cartridge, Inc. a/k/a CCI Ammunition, as a defendant in this matter. In support of this motion, Defendant states as follows:

1. Plaintiff filed this complaint on December 19, 2011, in the United States District Court for the Middle District of Tennessee. Plaintiff named as defendants Remington Arms Company, LLC, and “Cascade Cartridge, Inc. a/k/a CCI Ammunition.”

2. “Cascade Cartridge, Inc.” was a misnomer for Ammunition Accessories, Inc., which agreed to waive service of the complaint (Dkt. 25) and subsequently filed a motion to dismiss pursuant to Rule 12(b)(6) (Dkt. 53). The Court’s docket sheet was

previously corrected to fix the misnomer, and currently identifies the defendant as Ammunition Accessories, Inc.

3. On April 1, 2012, Ammunition Accessories Inc. merged into Federal Cartridge Company, a subsidiary of Alliant Techsystems Inc.

4. Party substitution pursuant to Rule 25(c) “is usually appropriate in situations involving corporate mergers or acquisitions or other transfers in which one corporation ceases to exist and another entity has taken over its rights and obligations.” 6 Moore’s Federal Practice § 25.31[1] (3d ed. 2010).

5. Ammunition Accessories Inc. has previously filed a corporate disclosure statement reflecting the change in corporate identity from Ammunition Accessories Inc. to Federal Cartridge Company. (Dkt. 51).

WHEREFORE, Defendant Ammunition Accessories Inc. moves the Court to substitute Federal Cartridge Company for it as a defendant in this matter.

This the 18th day of June, 2013.

SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2013, I electronically filed the foregoing **MOTION TO SUBSTITUTE PARTY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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